

21cr753

AO 245B (Rev. 06/05) (Rev. DC 12/15/05) Judgment in a Criminal Case  
Sheet 1UNITED STATES DISTRICT COURT  
for the District of Columbia

UNITED STATES OF AMERICA

v.

ANDREW WARREN

## JUDGMENT IN A CRIMINAL CASE

**FILED**

Case Number: CR 09-158-01

MAR 22 2011

USM Number: 29825-016

Clerk, U.S. District &amp; Bankruptcy

William R. Martin, Mark D. Hunter ~~and Michael T. Tolson~~ District of Columbia

Defendant's Attorney

**THE DEFENDANT:** pleaded guilty to count(s) 1 and 2 of the Superseding Information filed on 6/3/10. pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court: was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18:2244(a)(1) and 7(9)	Abusive Sexual Contact in the Special Maritime and Territorial Jurisdiction of the U.S.	2/17/08	1ss
18:922(g)(3) and 924(a)(2)	Possession of a Firearm by Unlawful User of a Controlled Substance	4/26/10	2ss

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

 The defendant has been found not guilty on count(s) \_\_\_\_\_ Count(s) all remaining counts is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

March 3, 2011  
Date of Imposition of JudgmentEllen S. Huvelle  
Signature of Judge

Ellen Segal Huvelle U.S. District Court

Name of Judge

Title of Judge

3/21/11  
DateU.S. District and Bankruptcy Courts  
for the District of Columbia

A TRUE COPY

ANGELA D. CAESAR, Clerk

By Swindlyn Franklin  
Deputy Clerk

**DEFENDANT:** ANDREW WARREN  
**CASE NUMBER:** CR 09-158-01

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Sixty Five (65) months on Counts 1 and 2 to run concurrently and credit for time served.

The court makes the following recommendations to the Bureau of Prisons:

Placement at Butner, North Carolina  
and institutional mental health, drug and sex offender treatment.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

- at \_\_\_\_\_  a.m.     p.m.    on \_\_\_\_\_.  
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- before 2 p.m. on \_\_\_\_\_.  
 as notified by the United States Marshal.  
 as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
 at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
 UNITED STATES MARSHAL

By \_\_\_\_\_  
 DEPUTY UNITED STATES MARSHAL

**DEFENDANT:** ANDREW WARREN  
**CASE NUMBER:** CR 09-158-01

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

120 months on Count 1 and 36 months on Count 2, terms of supervised release to run concurrent.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

**DEFENDANT:** ANDREW WARREN  
**CASE NUMBER:** CR 09-158-01

### **SPECIAL CONDITIONS OF SUPERVISION**

**DNA Sample Requirement** - Pursuant to 42 USC 14135a, for all felony offenses, you shall submit to the collection and use of DNA identification information while incarcerated in the Bureau of Prisons, or at the direction of the U.S. Probation Office.

**Sex Offender Treatment** - You shall participate in a program of sex offender assessment and treatment, as directed by the probation officer, until such time as you are released from the program. This assessment and treatment may include physiological testing such as a polygraph to assist in planning, case monitoring, and supervision. Any refusal to submit to such assessment or tests as scheduled is a violation of the conditions of release. You shall waive your right to confidentiality in treatment and sign any necessary releases for any records imposed as a consequence of this judgement and allow to supervisory probation officer to review your course of treatment and progress with the treatment providers. Court waives all cost.

**Sex Offender Registration** - You shall register with state and local law enforcement as directed by the probation officer in any state where you reside, are employed, carry on a vocation, or are a student. You shall provide all information required in accordance with state registration guidelines. Initial registration shall be completed within seven calendar days of your release from confinement. You shall provide written verification of registration to the probation office within three business days following registration. This registration shall be renewed as required by the jurisdictions standards and each time a change of residence, employment, volunteer service, or education occurs.

**Residential and Employment Restrictions** - You shall have all residence, employment, and volunteer work pre-approved by the US Probation Office. Your shall not reside in a residence where minor children also reside, nor shall you work or volunteer for any business or organization that provides services or employs persons under 18 years of age, without the permission of the probation office. You shall not be employed in any capacity that may cause you to come in direct contact with children, except under circumstances approved in advance by the supervisory probation officer.

**Search** - Pursuant to the Adam Walsh Child Protection and Safety Act of 2006, you shall submit to a search of your person, property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning unlawful conduct or a violation of a condition of supervision.

**Alcohol Restrictions** - You shall not purchase, possess, use or administer any alcohol or frequent any business whose primary function is to serve alcoholic beverages.

**Substance Abuse Treatment** - You shall participate in, and successfully complete, a residential and/or outpatient substance abuse treatment program, which may include drug and alcohol testing and detoxification services, as approved by the probation office.

**Mental Health Treatment** - The defendant shall participate in a mental health treatment program. He shall take all medications as prescribed by his psychiatrist or physician, and shall not discontinue any medication without permission of the Court.

The probation office shall release the presentence investigation report to all appropriate agencies in order to execute the sentence of the Court. Treatment agencies shall return to presentence report to the probation office upon the defendant's completion or termination from treatment.

**NOTICE OF APPEAL** - You have a right to appeal the sentence imposed by this Court. You must file an appeal within 14 days after the Court enters judgment. If you are unable to afford the cost of an appeal, you may ask the Court to appoint counsel to represent you at no cost to you.

DEFENDANT: ANDREW WARREN  
CASE NUMBER: CR 09-158-01**CRIMINAL MONETARY PENALTIES**

<u>TOTALS</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
	\$ 200.00	\$	\$

- The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
<b>TOTALS</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	

- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- the interest requirement is waived for the  fine  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: ANDREW WARREN  
CASE NUMBER: CR 09-158-01**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 200.00 due immediately, balance due  
 not later than \_\_\_\_\_, or  
 in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.  
 The defendant shall pay the following court cost(s):  
 The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.